

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-216474**DATE:** October 9, 1984**MATTER OF:** Semco, Inc.**DIGEST:**

GAO does not consider the legal status of a firm as a regular dealer or a manufacturer within the meaning of the Walsh-Healey Act. By law, this matter is to be determined by the contracting agency in the first instance, subject to review by the Small Business Administration (if a small business is involved) and the Secretary of Labor.

Semco, Inc. (Semco), protests the award of a contract to Ridge, Inc. (Ridge), under request for proposals No. DAAH01-84-R-0227 issued by the United States Army Missile Command, Redstone Arsenal. Semco contends that Ridge is not a manufacturer of the solicited items as required by the Walsh-Healey Act, 41 U.S.C. § 35-45 (1982).

This Office does not consider the legal status of a firm as a regular dealer or a manufacturer within the meaning of the Walsh-Healey Act. By law, this matter is to be determined by the contracting agency in the first instance, subject to review by the Small Business Administration (where a small business is involved) and the Secretary of Labor. Aeroglide Corporation, B-215484, July 2, 1984, 84-2 C.P.D. ¶ 9; James S. Scroggins & Co., B-213363, Apr. 17, 1984, 84-1 C.P.D. ¶ 429.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel

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